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LATHAM & WATKINS LLP

December 1, 2023

MEMO ENDORSED

VIA ECF

Hon. Laura Taylor Swain
 United States District Judge
 Southern District of New York
 500 Pearl Street, Courtroom 17C
 New York, New York 10007

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Re: *Harker v. Meta Platforms, Inc., et al.* No. 23 Civ. 7865 (LTS) (SDA)
 - Joint Extension Request

Dear Judge Swain:

Defendants Meta Platforms, Inc., Association of Independent Commercial Producers, Inc., Something Ideal, LLC, and BBDO Worldwide, Inc. (“Defendants”) jointly write in response to this Court’s request dated November 27, 2023 (ECF No. 35) for clarification regarding the status of Defendants’ pending motions to dismiss (ECF Nos. 24 and 26) in light of Plaintiff’s amended complaint, filed November 22, 2023 (ECF No. 34). Defendants respectfully request that Your Honor deny the pending motions to dismiss as moot without prejudice to give Defendants the opportunity to respond to the new allegations raised by Plaintiff in his amended complaint.

By operation of Federal Rule of Civil Procedure 15(a)(3), Defendants’ current deadline to respond to the amended complaint is December 6, 2023. Defendants respectfully request that Your Honor extend the deadline to December 19, 2023. Extending the deadline would afford counsel necessary time to review the amended complaint fully before finalizing a response, especially in light of the Thanksgiving holiday. Plaintiff consents to the requested extension and the below proposed schedule.

| Date | Deadline |
|-------------------|--|
| December 19, 2023 | Last day for Defendants to answer, move to dismiss, or otherwise respond to Plaintiff’s amended complaint. |
| January 25, 2024 | Last day for Plaintiff to serve opposition to any motion(s) to dismiss. |
| February 22, 2024 | Last day to serve reply papers in further support of motion(s) to dismiss. |

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December 1, 2023
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We appreciate Your Honor's consideration of this request.

Respectfully submitted,

/s/ Danielle Conley

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Attorneys for Defendant Meta Platforms, Inc.

cc: All Counsel of Record (via ECF)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES HARKER,

Plaintiff,

v.

META PLATFORMS, INC., ASSOCIATION
OF INDEPENDENT COMMERCIAL
PRODUCERS, INC., SOMETHING IDEAL
LLC, doing business as “M SS NG P ECES,”
and BBDOWORLDWIDE, INC.,

Defendants.

Case No. 1:23-cv-07865 (LTS) (SDA)

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
ANSWER OR MOVE IN RESPONSE
TO PLAINTIFF'S AMENDED
COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED by and among plaintiff James Harker (“Plaintiff”) and defendants Meta Platforms, Inc., Association of Independent Commercial Producers, Inc., Something Ideal, LLC, and BBDO Worldwide, Inc. (“Defendants”), that:

- (a) the time within which Defendants may answer or move in response to Plaintiff’s complaint is hereby extended to, and including, December 19, 2023;
- (b) in the event any party moves to dismiss the complaint, Plaintiff’s answering brief shall be due on or before January 25, 2024;
- (c) any reply briefs on such motion shall be due on or before February 22, 2024;
- and
- (d) this stipulation may be executed in counterparts, and facsimile, electronic, and .pdf signature shall be considered originals for purposes of this stipulation.

Dated: December 1, 2023
Washington, D.C.

Respectfully Submitted,

LATHAM & WATKINS LLP

/s/ Danielle Conley

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Attorney for Plaintiff James Harker

¹ Defendants' use of electronic signatures with consent is in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.

SO ORDERED THIS 5th DAY OF December, 2023

/s/ Laura Taylor Swain

**Laura Taylor Swain
United States District Judge**

The Court hereby denies the pending motions to dismiss as moot without prejudice to give Defendants the opportunity to respond to the new allegations raised by Plaintiff in his amended complaint. DE nos. 24, 26, and 37 resolved. SO ORDERED.

12/5/2023

/s/ Laura Taylor Swain, Chief USDJ